EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2008-0663-AIR-E **TCEQ ID:** RN100233998 **CASE NO.:** 35764

RESPONDENT NAME: Air Liquide Large Industries U.S. LP

DOCKET NO.: 2008-0663-AIR-E

VIOLATION SUMMARY CHART: VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS TAKEN/REQUIRED Type of Investigation: Total Assessed: \$3,950 Corrective Actions Taken: ___ Complaint Routine **Total Deferred: \$790** The Executive Director recognizes that the Enforcement Follow-up Respondent revised the start-up operating X Expedited Settlement X Records Review procedures for the SMR on January 7, 2008 to prevent the recurrence of emissions __Financial Inability to Pay Date(s) of Complaints Relating to this events caused by steam loss to the SMR. Case: None SEP Conditional Offset: \$0 Date of Investigation Relating to this Total Paid to General Revenue: \$3,160 Case: February 21, 2008 **Site Compliance History Classification** Date of NOV/NOE Relating to this Case: __ High X Average __ Poor April 8, 2008 (NOE) **Person Compliance History Classification** Background Facts: This was a records __ High X Average __ Poor review. Major Source: X Yes ___ No **AIR** Applicable Penalty Policy: September 2002 Failure to prevent unauthorized emissions. Specifically, during a January 5, 2008 emissions event (Incident No. 102066) 381 pounds of unauthorized nitrogen oxides emissions were released from the Steam Methane Reformer ("SMR") over a period of 19 hours. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101,222 necessary to present an affirmative defense were not met [Air Permit No. 73110, Special Condition No. 1, 30 Tex. ADMIN. CODE § 116.115(c), and Tex. Health & Safety CODE § 382.085(b)].

Additional ID No(s).: AIR HG0071Q

Policy Revision 2 (Sept	•	n Worksheet (PCW	PCW Revision March 8, 2008
TCEQ DATES Assigned PCW	14-Apr-2008 Screening 21-Apr-2008	EPA Due 3-Jan-2009	
RESPONDENT/FACILITY Respondent Reg. Ent. Ref. No. Facility/Site Region	Air Liquide Large Industries U.S. LP RN100233998	Major/Minor Source Major	
CASE INFORMATION Enf./Case ID No. Docket No. Media Program(s) Multi-Media Admin. Penalty \$ I	2008-0663-AIR-E Air	No. of Violations 1 Order Type 1660 Enf. Coordinator Rebe EC's Team Enfor	the same of the sa
TOTAL BASE PENAL	Penalty Calcula		btotal 1 \$2,500
ADJUSTMENTS (+/-) Subtotals 2-7 are obtain	TO SUBTOTAL 1 ned by multiplying the Total Base Penalty (Subtotal 1) by	the indicated percentage.	2.3 & 7 \$2,075
Compliance Histo Notes	Penalty enhancement due to one NOV is violations, four NOVs issued for unrelated discharge violations, and three agreed ord	ssued for same or similar ed violations, five effluent	\$2,57 G
Culpability Notes	No 0% The Respondent does not meet the		btotal 4 \$0
Good Faith Effor Extraordinary Ordinary N/A Notes	t to Comply 25% Before NOV NOV to EDPRP/Settlement Offer x (mark with x) The Respondent completed corrective according to the complete corrective according to the corrective		btotal 5 \$625
Approx.		Enhancement* Su d at the Total EB \$ Amount	btotal 6 \$0
SUM OF SUBTOTAL	S1-7	Final :	Subtotal \$3,950
Reduces or enhances the Final S	S JUSTICE MAY REQUIRE ubtotal by the indicated percentage.	Acij	ustment \$0
Notes		Final Penalty	Amount \$3,950
STATUTORY LIMIT A	ADJUSTMENT	Final Assessed	
DEFERRAL Reduces the Final Assessed Per	naity by the indicted percentage. (Enter number only; e.,		ustment -\$790
Notes	Deferral offered for expedite	ed settlement.	
PAYABLE PENALTY			\$3,160

Screening Date 21-Apr-2008

Docket No. 2008-0663-AIR-E

PCW

Respondent Air Liquide Large Industries U.S. LP

Case ID No. 35764

Reg. Ent. Reference No. RN100233998

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Policy Revision 2 (September 2002) PCW Revision March 8, 2008

Compliance History Worksheet

Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) Other written NOVs Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria) Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government Convictions Any criminal convictions of this state or the federal government (number of counts) Emissions Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege	5% 18% 60% 0%
Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria) Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government Convictions Any criminal convictions of this state or the federal government (number of counts) Emissions Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	60%
Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria) Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government Convictions Any criminal convictions of this state or the federal government (number of counts) Emissions Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0%
of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria) Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government Convictions Any criminal convictions of this state or the federal government (number of counts) Emissions Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	
of this state or the federal government (number of judgements or consent decrees meeting criteria) Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government Convictions Any criminal convictions of this state or the federal government (number of counts) Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0%
Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government Convictions Any criminal convictions of this state or the federal government (number of counts) Emissions Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	
Emissions Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0%
Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0%
Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0%
Disclosures of violations under the Tayon Environmental Health, and Safaty Audit Brigillage	0%
Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0%
e ase t	

Processing and a second	PT- 11-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-	00 HIND: 100 01 110	
	Environmental management systems in place for one year or more	No	0%
, Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No .	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No Section A	0%

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to one NOV issued for same or similar violations, four NOVs issued for unrelated violations, five effluent discharge violations, and three agreed orders with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	21-Apr-2008	Docket N	No. 2008-0663-AIR-E	PCW
★ Series - Last **CONCRETE Subject to 1. (1. Contract to 1. Co	Air Liquide Large Industries U.	S. LP	Polic	/ Revision 2 (September 2002)
Case ID No.				PCW Revision March 8, 2008
Reg. Ent. Reference No.				
Media [Statute] Enf. Coordinator				
Violation Number				
Pula Cita(a)		Condition No. 1, 30	Tex. Admin. Code § 116.115(c), ar	
Naie Oite(s)		ealth & Safety Code		
Violation Description	emissions event (Incident Nemissions were released from 19 hours. Since the emission	o. 102066) 381 pour n the Steam Methan ons event was avoid	ecifically, during a January 5, 2008 nds of unauthorized nitrogen oxides the Reformer ("SMR") over a period of able, the demonstrations in 30 Tex. n affirmative defense were not met.	of
			Base Penal	ty \$10,000
>> Environmental, Property a	and Human Health Matrix			
	Harm			
Release	Major Moderate	Minor		
OR Actual Potential		X	Percent 25%	
r otomia.				
>>Programmatic Matrix			(***************************************
Falsification	Major Moderate	Minor	Percent 0%	
		<u></u>	070	
Matrix Notes Human heal did not ex	th and the environment have be ceed levels protective of human	een exposed to an in health and environ violation.	nsignificant amount of pollutants that imental receptors as a result of the Adjustment \$7,5	
			Adjaconiche 7175	
ACCUPATION OF THE PROPERTY OF				\$2,500
Violation Events				
Number of Vi	olation Events 1	1	Number of violation days	ocanomic de la constantina della constantina del
and the second				neennoon
	daily monthly			***************************************
mark only one	quarterly x		Violation Base Pena	lty \$2,500
with en x	semiannual annual single event			
	One quarter	ly event is recomme	ended.	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$0	Violation Final Penalty To	tal \$3,950
	This	violation Final As	sessed Penalty (adjusted for limi	ts) \$3,950
	11112		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	-

Media Air Violation No. 1 Percent Interest Deprecia		RN100233998						
Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount	Media	Air					Percent Interest	Years of Depreciation
Delayed Costs Equipment							3	1
Delayed Costs Equipment	Item Description			Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment Buildings						***************************************		100x8350135X1411414
Buildings 0,0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0			1		1 66	ቀለ	I eo 1	ФО
Color Colo								
Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Other (a								
Land Record Keeping System 1								
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Training/Sampling Remediation/Disposal Permit Costs Other (as needed) 0.0 \$0 n/a \$		10.000000000000000000000000000000000000		100000000000000000000000000000000000000			n/a	
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Remediation/Disposal Permit Costs 0.0 \$0 n/a	Record Keeping System			(1)	0,0	\$0	n/a	\$0
Notes for DELAYED costs Notes for DELAYED costs Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Other (as needed) Description of the SMR (as needed) Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Other (as needed) Disposal Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Other (as needed) Other (as needed) Disposal Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Other (as needed) Other (as needed) Other (as needed)	Training/Sampling				0.0	\$0	n/a	\$0
Notes for DELAYED costs Notes for DELAYED costs Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) \$500	Remediation/Disposal							
Restimated cost to revise the start-up operating procedures for the SMR to prevent the recurrence of emission events caused by steam loss to the SMR. Date required is the date of the emissions event. Final date is the their corrective measures were completed. Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Estimated cost to revise the start-up operating procedures for the SMR to prevent the recurrence of emission event. Final date is the date of the emissions event. Final date is the	Permit Costs							
Notes for DELAYED costs events caused by steam loss to the SMR. Date required is the date of the emissions event. Final date is the the corrective measures were completed. Avoided Costs	Other (as needed)	\$500	5-Jan-2008	7-Jan-2008	0,0	\$0	n/a	\$0
Disposal Personnel	A1 / P PART A3 / PR							
Description		events caused	l by steam loss to th	e SMR. Date req the corrective n	ulred is t neasures	he date of the em were completed.	Issions event. Final	date is the date
Supplies/equipment	Avoided Costs	events caused	l by steam loss to th	e SMR. Date req the corrective n	ulred is t neasures intering	he date of the em were completed. Item (except for	issions event. Final	date is the date
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ONE-TIME avoided costs [3] Other (as needed)	Avoided Costs Disposal Personnel	events caused	l by steam loss to th	e SMR. Date req the corrective n	ulred is the asures on tering 0.0 0.0	he date of the em were completed. Item (except for \$0 \$0 \$0	Issions event. Final	date is the date
Other (as needed) 0.0 \$0 \$0 \$0	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	events caused	l by steam loss to th	e SMR. Date req the corrective n	ntering 0.0 0.0 0.0 0.0 0.0	he date of the em were completed. Item (except for \$0 \$0 \$0 \$0	Issions event. Final one-time avoided c \$0 \$0 \$0 \$0	osts) * 0
	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	events caused	l by steam loss to th	e SMR. Date req the corrective n	ntering 0.0 0.	he date of the em were completed. item (except for \$0 \$0 \$0 \$0 \$0	Issions event. Final Cone-time avoided c S0 S0 S0 S0 S0 S0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for AVOIDED costs	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	events caused	l by steam loss to th	e SMR. Date req the corrective n	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ne date of the em were completed. Item (except for \$0 \$0 \$0 \$0 \$0 \$0	Issions event. Final one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	events caused	l by steam loss to th	e SMR. Date req the corrective n	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ne date of the em were completed. Item (except for \$0 \$0 \$0 \$0 \$0 \$0	Issions event. Final one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	events caused	l by steam loss to th	e SMR. Date req the corrective n	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ne date of the em were completed. Item (except for \$0 \$0 \$0 \$0 \$0 \$0	Issions event. Final one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

Compliance History

Rating: 3.05 Air Liquide Large Industries U.S. LP Classification: AVERAGE Customer/Respondent/Owner-Operator: CN600300693 AIR LIQUIDE LARGE INDUSTRIES US Classification: AVERAGE Site Rating: 5.47 Regulated Entity: RN100233998 ID Number(s): ACCOUNT NUMBER HG00710 AIR OPERATING PERMITS AIR OPERATING PERMITS **PERMIT** 1735 TXD096026612 INDUSTRIAL AND HAZARDOUS WASTE EPA ID GENERATION SOLID WASTE REGISTRATION # 31779 INDUSTRIAL AND HAZARDOUS WASTE (SWR) GENERATION WASTEWATER **PERMIT** TX0102296000 WASTEWATER PERMIT WQ0004330000 **WASTEWATER PERMIT** TX0102296 4961 AIR NEW SOURCE PERMITS **PERMIT** AIR NEW SOURCE PERMITS **PERMIT** 9346 HG0071Q AIR NEW SOURCE PERMITS ACCOUNT NUMBER REGISTRATION 37485 AIR NEW SOURCE PERMITS 53106 AIR NEW SOURCE PERMITS REGISTRATION REGISTRATION 55810 AIR NEW SOURCE PERMITS REGISTRATION 33713 AIR NEW SOURCE PERMITS 11018 AIR NEW SOURCE PERMITS REGISTRATION AIR NEW SOURCE PERMITS PERMIT 56212 REGISTRATION 70423 AIR NEW SOURCE PERMITS 4820100073 AIR NEW SOURCE PERMITS AFS NUM 73110 AIR NEW SOURCE PERMITS PERMIT 75225 AIR NEW SOURCE PERMITS REGISTRATION PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011467 WATER LICENSING LICENSE 1011467 Rating Date: 9/1/2007 Repeat Violator: NO Location: 11400 BAY AREA BLVD, PASADENA, TX, 77507 **REGION 12 - HOUSTON** TCEQ Region: Date Compliance History Prepared: April 14, 2008 Agency Decision Requiring Compliance History: Enforcement Compliance Period: April 14, 2003 to April 14, 2008 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Rebecca Johnson (713) 422-8931 **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? Yes Air Liquide Large Industries U.S. LP 3. If Yes, who is the current owner?

4. if Yes, who was/were the prior owner(s)?

Air Liquide America L.P.

5. When did the change(s) in ownership occur?

1/1/2005

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 06/13/2004 ADMINORDER 2003-0908-PST-E

Classification: Moderate

Citation:

30 TAC Chapter 37, SubChapter I 37.815(a)

30 TAC Chapter 37, SubChapter I 37.815(b)

Description: Failure to demonstrate FA beginning 8/9/02

Effective Date: 03/23/2006 ADMINORDER 2005-1475-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: EFFLUENT LIMITS PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-

reported data.

Effective Date: 05/25/2007 ADMINORDER 2006-1908-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116,615(2)

30 TAC Chapter 116, SubChapter F 116.617

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: No. 75225 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

30 TAC Chapter 116, SubChapter F 116.617

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: No. 75225 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

30 TAC Chapter 116, SubChapter F 116.617

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: Permit No. 75225 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

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Ramt Prov:

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Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter F 116.615(2) 30 TAC Chapter 116, SubChapter F 116.617

5C THC Chapter 382, SubChapter D 382.085(b)

Ramt Prov: No. 75225 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 101, SubChapter F 101.201(b)(2)(H)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to report the February 23, 2006, December 28, 2005, December 14, 2005, December 5, 2005, August 11, 2005, November 30, 2005, August 4, 2005, August 3, 2005, and May 15, 2005 emissions events within twenty-four hours and include the total quantity of emissions released.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

(146218)1 05/05/2003 2 05/13/2003 (321892)3 06/12/2003 (62375)4 07/09/2003 (321894)5 08/18/2003 (321895)6 09/08/2003 (321896)7 10/17/2003 (321897)8 11/20/2003 (321898)9 12/18/2003 (321899)10 01/13/2004 (257438)11 01/27/2004 (321900)12 02/17/2004 (321889)13 03/12/2004 (321890)14 04/19/2004 (321891)15 05/14/2004 (363734)16 06/14/2004 (321893)17 07/15/2004 (363735)18 08/13/2004 (250551)19 08/16/2004 (363736)20 09/21/2004 (363737)21 10/21/2004 (363738)22 12/22/2004 (388434)23 12/27/2004 (388435)24 01/18/2005 (388436)25 02/18/2005 (425970)26 02/21/2005 (344847)27 03/22/2005 (388433)28 04/18/2005 (425971)29 05/10/2005 (425972)30 06/10/2005 (425973)

31 07/11/2005

32 07/19/2005

33 08/05/2005

34 08/08/2005

(446431)

(399179)

(446432)

(402075)

35	08/11/2005	(379839)
36	08/29/2005	(403489)
37	09/08/2005	(406526)
38	09/14/2005	(431577)
39	09/19/2005	(446433)
40	10/13/2005	(479017)
41	11/07/2005	(479018)
42	12/06/2005	(479019)
43	01/12/2006	(479020)
44	01/31/2006	(479015)
45	03/07/2006	(479016)
46	04/24/2006	(504939)
47	05/22/2006	(504940)
48	06/26/2006	(504941)
49	06/27/2006	(466297)
50	06/29/2006	(482703)
51	06/29/2006	(483350)
52	07/07/2006	(484077)
53	07/07/2006	(483164)
54	07/07/2006	(483912)
55	07/07/2006	(484031)
56	07/07/2006	(484215)
57	07/07/2006	(482948)
58	07/07/2006	(483793)
59	07/07/2006	(483467)
60	07/07/2006	(482790)
61	07/07/2006	(483421)
62	07/07/2006	(483684)
63	07/07/2006	(482877)
64	07/07/2006	(482532)
65	07/07/2006	(483586)
66	07/07/2006	(483073)
67	07/15/2006	(485481)
68	07/15/2006	(485326)
69	07/21/2006	(527242)
70	07/21/2006	(484852)
71	08/11/2006	(484888)
72	08/15/2006	(527243)
73	09/01/2006	(486445)
74	09/01/2006	(486181)
75	09/01/2006	(485141)
76	09/01/2006	(485828)
77	09/01/2006	(485201)
78	09/25/2006	(527244)
79	10/06/2006	(551045)
80	10/10/2006	(489836)
81	11/14/2006	(551046)
82	12/11/2006	(551047)
83	01/12/2007	(587596)
84	01/23/2007	(532996)
85	01/23/2007	(533358)
86	02/06/2007	(538705)
87	02/16/2007	(587590)
88	02/16/2007	(587591)
89	03/15/2007	(537134)
90	03/22/2007	(587592)
91	03/29/2007	(543325)
92	04/23/2007	(587593)
93	04/30/2007	(538648)
94	04/30/2007	(536649)
95	05/31/2007	(539880)
96	06/11/2007	(587595)
97	06/11/2007	(587594)
98	06/14/2007	(561268)
99	07/16/2007	(605096)
100	08/06/2007	(605097)
101	08/28/2007	(571079)
		(57.1570)

102	09/17/2	2007		(605	098)
103	09/26/2	2007		(593	555)
104	10/08/2	2007		(570	548)
105	11/06/2	2007		(628	179)
106	11/08/2	2007		(596	785)
107	12/07/2	2007		(628	180)
108	02/08/2	8008		(599	743)
109	02/08/2	8008		(599	747)
110	04/08/2	8008		(636	346)
notio	ces of vi	olations (NOV	/). (C	CED.
D	ate:	08/13/2	004		(250
S	elf Repo	ort?	NO		
С	itation:			30 T	AC C

S Inv. Track. No.) F. Written

0551)

Chapter 122, SubChapter B 122.145(2)(A)

Description:

RE failed to include the deviations related to the gas turbines operation in the

semi-annual deviation report

Date:

09/30/2004

(363738)

Self Report?

Classification:

Classification:

Moderate

Moderate

Citation:

TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

Date:

10/31/2004 Self Report?

(388434)

YES

YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

Date:

11/30/2004

(388435)

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1)

Moderate

Citation:

TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

Date: Self Report?

12/31/2004

Classification:

Classification:

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

(388436)

Description:

Failure to meet the limit for one or more permit parameter

Date:

Self Report?

07/20/2005

(399179)

Classification:

Moderate

Citation:

30 TAC Chapter 117, SubChapter B 117.216(a)(1)

Description:

Failure to comply with the requirements as found in 30 TAC Chapter

Self Report?

NO

NO

Classification:

Minor

Citation:

30 TAC Chapter 101, SubChapter H 101.359

Description:

Failure to comply with the requirements as found in 30 TAC 101.359(a).

Self Report?

Classification: Moderate

Citation:

30 TAC Chapter 117, SubChapter B 117.213(a)(1)(B)(ii)

Description:

Failure to comply with the requirements as found in 30 TAC Chapter

117.213(a)(1)(B)(ii).

Self Report?

NO

Classification:

Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 117, SubChapter B 117.219(b)(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov:

OP FOP O-01735 SC 5A

PERMIT NSR Permit 56212 SC 7F

Description:

Failure to comply with the requirements as found in 30 TAC Chapter

117.219(b)(2).

Self Report?

NO

Classification:

Moderate

Citation:

30 TAC Chapter 116, SubChapter F 116.611(a)

30 TAC Chapter 116, SubChapter F 116.611(b)

Description:

Failure to comply with the requirements as found in 30 TAC Chapter 116.611(a)

and (b).

Self Report?

NO

Classification:

Moderate

Moderate

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)

Ramt Prov:

OP O-01735, SC4A

Description:

Failure to comply with the requirements as found in 40 CFR Chapter 60 Part

60.7(c).

Self Report?

NO

Classification:

Citation:

30 TAC Chapter 117, SubChapter B 117.219(d)(1)

Description:

Failure to comply with the requirements as found in 30 TAC Chapter

Date:

08/05/2005

(402075)

Self Report? Citation:

NO

Classification: 30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov:

PERMIT TPDES Permit No. 04330-000

Description:

Failure to calibrate the flow meter annually, as required.

Self Report?

NO

Classification:

Minor

Moderate

Citation:

30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c)

Description:

Failure to maintain a temperature log for the sample storage refrigerator.

Self Report?

NO

Classification:

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov:

PERMIT 04330-000

Description:

Failure to maintain compliance with the self-monitored effluent limitations for

Outfall 001.

Date:

01/11/2006 Self Report? NO (438807)

Classification:

Moderate

Citation:

30 TAC Chapter 335, SubChapter A 335.6(c)

Description:

Notification for recycling was not done.

Date:

06/30/2006

(527242)

Self Report?

YES

NO

Classification:

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

Date:

Self Report?

(543325)

Classification:

Moderate

Minor

Citation:

30 TAC Chapter 116, SubChapter F 116.615(2)

03/30/2007

5C THC Chapter 382, SubChapter D 382,085(b)

Ramt Prov:

PERMIT No. 75225, Special Condition No. 1

Description:

Faulty wiring to the CO fire protection system caused Gas Turbine No. 3 to trip

Regulated Entity failed to include permit number on the Incident Report.

and release unauthorized emissions of NOx.

Self Report?

NO

Classification:

Citation:

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description:

Environmental audits.

F.

G. Type of environmental management systems (EMSs).

Voluntary on-site compliance assessment dates. Η.

Participation in a voluntary pollution reduction program. 1.

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
AIR LIQUIDE LARGE INDUSTRIES	§	
U.S. LP	§	ENVIRONMENTAL QUALITY
RN100233998	§	

AGREED ORDER DOCKET NO. 2008-0663-AIR-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Air Liquide Large Industries U.S. LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a chemical manufacturing plant at 11400 Bay Area Boulevard in Pasadena, Harris County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 13, 2008.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Three Thousand Nine Hundred Fifty Dollars (\$3,950) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand One Hundred Sixty Dollars (\$3,160)

of the administrative penalty and Seven Hundred Ninety Dollars (\$790) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent revised the start-up operating procedures for the Steam Methane Reformer ("SMR") on January 7, 2008 to prevent the recurrence of emissions events caused by steam loss to the SMR.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of Air Permit No. 73110, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 21, 2008. Specifically, during a January 5, 2008 emissions event (Incident No. 102066) 381 pounds of unauthorized nitrogen oxides emissions were released from the SMR over a period of 19 hours. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Air Liquide Large Industries U.S. LP, Docket No. 2008-0663-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Air Liquide Large Industries U.S. LP

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	8/25/08 Date
attached Agreed Order on behalf of the entity ind	attached Agreed Order. I am authorized to agree to the icated below my signature, and I do agree to the terms owledge that the TCEQ, in accepting payment for the esentation.
 timely pay the penalty amount, may result in: A negative impact on compliance history; Greater scrutiny of any permit applications Referral of this case to the Attorney General penalties, and/or attorney fees, or to a collection. Increased penalties in any future enforcement 	eral's Office for contempt, injunctive relief, additional action agency; ent actions; are office of any future enforcement actions; and y law.
AttAMmed Signature	6-12-08 Date
Scott A. SWAFFORD Name (Printed or typed) Authorized Representative of	ZONE PRODUCTION MANAGÉR. Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.